

PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA

AMENDED CHIEF HEARING OFFICER DIRECTIVE

DOCKET NO. 2020-265-E ORDER NO. 2020-126-H

DECEMBER 9, 2020

CHIEF HEARING OFFICER: David Butler

DOCKET DESCRIPTIONS:

Duke Energy Progress, LLC's Establishment of Solar Choice Metering Tariffs Pursuant to S.C. Code Ann. Section 58-40-20 (See Docket No. 2019-169-E)

MATTER UNDER CONSIDERATION:

Petition to Intervene of Nucor Steel – South Carolina

CHIEF HEARING OFFICER'S ACTION:

This matter comes before the Chief Hearing Officer on the Petition to Intervene of Nucor Steel – South Carolina (“Nucor”). The Petition is timely filed, and no objections to the intervention have been filed.

After it has been determined that the Petition has been timely filed, the next question for the Commission is to determine whether or not the petitioning party has clear factual support or grounds for the proposed intervention. S.C. Regs. 103-825A(3) requires that a party making a Petition to Intervene in a matter pending before the SC Public Service Commission must:

set forth clearly and concisely:

- (a) The facts from which the nature of the petitioner's alleged right or interest can be determined;**
- (b) The grounds of the proposed intervention;**
- (c) The position of the petitioner in the proceeding.**

Objections to a Petition to Intervene shall be filed with the Commission within ten days of service of the Petition to Intervene. S.C. Code Ann. Regs. 103-825A(3) (2012) (emphasis added).

The position of the Petitioners in the proceeding must also be concisely and clearly stated; provided it is known. The Commission has historically allowed a petitioning party to intervene even if the party has not made a determination of its position in a docket/proceeding, provided such intervention would not cause undue delay in the proceedings or prejudice the rights of other parties.

Nucor owns and operates a steel production facility near Darlington, South Carolina. As a retail customer of Duke Energy Progress, LLC (“DEP”), Nucor asserts that it purchases hundreds of millions of kWh of electricity annually at a cost of millions of dollars per year. Since the cost of electricity comprises one of the major costs of Nucor’s manufacturing process, electric costs directly affect Nucor’s ability to continue to produce steel at a

competitive price. In compliance with Act 62, DEP seeks Commission approval of new solar choice metering riders and rate schedules. Nucor states that it has a stake in, and will be directly and substantially affected by, the outcome of this proceeding. Due to the magnitude of its load and its unique service characteristics, Nucor asserts that it cannot be adequately represented by any other party to this proceeding. At this early stage in the proceeding, Nucor has not fully determined what position it may take.

From these facts, this Hearing Officer holds that Nucor has successfully satisfied the three criteria for intervention stated in the Regulation. A review of the information in the preceding paragraphs reveals that Nucor's interest in these matters can clearly be discerned, as can the grounds for the intervention. Nucor has not determined what position it may take, however, Nucor's intervention will not cause any undue delay in the proceedings, nor will the rights of any of the other parties be prejudiced by Nucor's intervention. Further, the Petition to Intervene was timely filed and there are no objections to the intervention. Accordingly, the Petition to Intervene of Nucor Steel – South Carolina is hereby granted in this Docket. This ends the Chief Hearing Officer's Directive.